

COASTAL CONSERVANCY

Staff Recommendation

September 15, 2004

BEAR MOUNTAIN ACQUISITION

File No. 03-166

Project Manager: Maxene Spellman

RECOMMENDED ACTION: Authorization to disburse up to \$1,200,000 to the Sonoma County Agricultural Preservation and Open Space District for acquisition of a 242-acre portion of the 960-acre acquisition of Bear Mountain property in Sonoma County for open space preservation, natural resource protection and recreation; and for the creation of a management plan to identify restoration and recreational opportunities at Bear Mountain.

LOCATION: Unincorporated Sonoma County just outside the northeast fringe of and overlooking the City of Santa Rosa (See Exhibits 1, 2, 3, and 4).

PROGRAM CATEGORY: San Francisco Bay Area Conservancy.

EXHIBITS

Exhibit 1: Project Location

Exhibit 2: Regional Map

Exhibit 3: Site Map

Exhibit 4: 3-D Map and Pictures

Exhibit 5: Letters of Support

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160-31164 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes an amount not to exceed one million dollars (\$1,000,000) to the Sonoma County Agricultural Preservation and Open Space District (“the District”) to acquire a 242-acre portion of the contiguous 960-acre Bear Mountain property in Sonoma County, Assessor Parcel Numbers 028-380-001, 002, 003, 004, 006, and 007, as shown on Exhibit 1 to the this staff recommendation; and up to two hundred thousand dollars (\$200,000) to create a management plan for the Bear Mountain property.

Prior to the disbursement of funds for acquisition this authorization is subject to the following conditions:

1. The District shall submit for prior review and approval of the Executive Officer of the Conservancy all relevant acquisition documents, including but not limited to the appraisal, environmental assessments, agreement of purchase and sale, escrow instructions, and documents of title necessary to the acquisition of the Bear Mountain.
2. The District shall pay no more than fair market value for the subject property as established in an appraisal approved by the Executive Officer.
3. The District shall permanently dedicate the 242-acre portion of the Bear Mountain property acquired with assistance from the Conservancy, for habitat and resource protection, open space preservation, and public access, through an irrevocable offer to dedicate an interest in the property or other instrument acceptable to the Executive Officer.
4. The District shall acknowledge Conservancy funding by erecting and maintaining on the Bear Mountain property a sign that has been reviewed and approved by the Executive Officer.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code 31160-31164.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”
3. The project serves a regional constituency in the Sonoma area, and includes matching funds from the Sonoma County Agricultural Preservation and Open Space District.

PROJECT SUMMARY:

Staff requests authorization to disburse up to \$1,000,000 to the Sonoma County Agricultural Preservation and Open Space District (the District) toward the acquisition of a 242-acre portion of the 960-acre Bear Mountain property. Staff also requests authorization to disburse an additional amount of up to \$200,000 to the District to create a long-term management plan for Bear Mountain. The property is located on the slopes above the northeast corner of the City of Santa Rosa in unincorporated Sonoma County. Remarkably, it provides visitors with a feeling they are in a vast, wild environment, yet it is no more than 10 minutes away from downtown Santa Rosa, the population and urban center of Sonoma County. The property is characterized by rolling grasslands, densely wooded slopes and four tributaries. It contains rare and endangered plants and animals, vernal pools, and wildlife corridors. The property dominates the viewshed of Santa Rosa and the heavily used Interstate 101 and Highway 12.

The 960-acre property consists of two contiguous areas, both of which will be acquired simultaneously in early 2005, but each with a separate acquisition plan as follows:

- A 242-acre portion proposed for acquisition of title in fee by the District with assistance from the Conservancy. This portion is located on the southwest side of the remaining 718-acre portion. (See Exhibit 3, Site Map)
- A 718-acre portion will be acquired by the District through the voter-approved local sales tax revenues. This portion is located on the northeast side of and connected to the 242-acre portion .

The size, variety of terrain, availability of access roads and views make this entire 960-acre property well suited for the construction of additional trails, recreational areas and scenic viewing areas, all without adversely affecting Bear Mountain's sensitive natural resources.

The District is currently negotiating conservation easements on two adjacent properties totaling 375 acres, and Bear Mountain is in proximity to another smaller conservation easement held by the District. The acquisition of the Bear Mountain property, when added to these other conservation and "forever wild" easements, will significantly extend habitat linkage between the City of Santa Rosa and regional and State parks located less than 2 miles from Bear Mountain. (See Exhibit 2, Regional Map).

This acquisition is given a high priority because it will protect valuable land and water resources, and make a significant contribution to the county's natural open spaces and recreational opportunities easily accessible to residents of Santa Rosa. Furthermore, the acquisition is urgent because Bear Mountain is under threat of development. The final subdivision map recorded in September 2003 allows the development of 30 homes if this property were placed on the open market. The District negotiated with the owners to preserve the bulk of property for conservation purposes, allowing only two developed parcels, one of which has the original ranch home.

Site Description: Located on the slopes above the northeast corner of Santa Rosa, Bear Mountain is clearly visible from city as well as from the highly traveled Highway 101 and Highway 12 corridors. From elevations on the property, ranging from 800 to 1900 feet, one can view southwest over the City of Santa Rosa to the Coastal hills, and northeast to the Mayacamas Mountains range. The property is divided into two large sections connected by a narrow swath of land. The 242-acre portion in the southwest portion of the property contains numerous meadows and native grasses covering steeply sloping terrain. From the elevated portions of the parcel one has a panoramic view of Santa Rosa to the west, down the Petaluma Valley to the south, and the Coastal hills to the far west. (See Exhibit 4 for a three-dimensional map and pictures.) The 718-acre northeast portion is gently rolling and more heavily wooded than the 242-acre southwest portion proposed for acquisition using the Conservancy's financial assistance.

The diverse habitats of Bear Mountain are uniquely influenced by both coastal conditions on the west and inland conditions on the east to support a mosaic of vegetation communities and a multitude of mammal, reptile, bird and aquatic species. The vegetation communities include native grasslands, chaparral, oak woodland, mixed evergreen forest and redwood. Of note are the rare Sonoma ceanothus and Lobb's buttercup associated with two vernal pools found on the property, and rare Sedge grasses, Foothill needlegrass, Leather oak, and Sargent cypress. There is a resident mountain lion, as well as mule deer, coyote and bobcat. Black bear has also been

seen on the property. The property provides a north-south wildlife corridor for these animals along the Mayacamas Mountains range. As part of the Russian River Drainage Basin, the four stream corridors that cross the property contribute to its extensive riparian and aquatic habitat. The Mark West Creek, bordering the property, is one of the last remaining streams in Sonoma County designated for the federally listed coho salmon. Three of the four creeks found on the property feed into the Mark West Creek, and steelhead trout is also known to exist in the streams at Bear Mountain. Finally, the State Department of Fish and Game considers this property to hold high wildlife values because it is located in the headwaters of Mark West Creek, and supports a complex diversity of plant communities and habitat types.

This acquisition will provide an important recreational and open space resource to the residents of Santa Rosa as well as to visitors from Sonoma County and throughout the Bay Area. Coming from Highway 101 and Highway 12 commuters between Santa Rosa and Napa County utilize Calistoga Road, which provides access to the southeastern 242-acre portion, and St. Helena Road, which provides access to the 718-acre northwestern portion. Once on the property, one can utilize a ranch road that traverses the section that connects the two portions. Finally, purchase of Bear Mountain will build toward a linkage between nearby Hood Mountain Regional Park and Sugarloaf Ridge State Park to the City of Santa Rosa. This acquisition also builds toward a protected linkage east to Bothe Napa State Park. (See Exhibit 2 showing Bear Mountain's relationship to nearby protected land.)

Project History:

This project came to the Conservancy through a request from the District. The District receives a limited amount of sales tax each year to purchase easements and fee title of significant properties to meet its objectives. With assistance from the Conservancy and other funding agencies the District is able to seize the opportunity to purchase several high priority projects that have recently surfaced in Sonoma County.

Because Bear Mountain represents a single ownership of pristine property easily accessible and in such close proximity to Santa Rosa, the District in spring of 2003 approached the owners to inquire if the family members were interested in selling Bear Mountain for open space and public access. Over the previous three decades the family had pursued approvals for a subdivision map for the entire property. Legal challenges and the vagaries of the economy prolonged the process and expense to the family until a final map was finally approved and recorded with Sonoma County in September 2003. Although the family continued with the subdivision map process, they were agreeable to a potential sale to the District provided they could retain two parcels on which they have an existing home. While an appraisal was underway and a Purchase Agreement was being negotiated, the District approached the Conservancy to assist with the acquisition.

If acquired for conservation and recreational purposes, the District will hold title to the property as an Open Space Preserve until the management plan is completed and the appropriate ownership and management entities are identified. The District is working with the Sonoma County Community Foundation to set up a fund to create an endowment for the management of the property during the District's interim ownership. If no management entity is identified, the

District will continue to own and manage the property. Such management will likely include docent-led tours on the existing ranch roads, and the proposed creation of a management plan that provides a natural resource inventory, and identifies restoration opportunities as well as future trails, and picnic and scenic viewing areas.

PROJECT FINANCING:

Coastal Conservancy Proposition 40	\$1,200,000
Sonoma County Agricultural Preservation & Open Space District	<u>\$8,213,000</u>
Total Project Cost	\$9,413,000

The Conservancy's contribution of \$1,200,000 is expected to come from the Conservancy's FY 02/03 appropriation to the San Francisco Bay Area Conservancy Program from the "California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002" (Proposition 40). This funding source may be used the acquisition, deployment (appropriate utilization), rehabilitation, restoration, protection and development of land and water resources in accordance with the provisions of the Conservancy's enabling legislation, Division 21 of the Public Resources Code. (Public Resources Code Section 5096.650(b)). The proposed project serves to assist in the development of land-based public access and the protection of water resources within the San Francisco Bay Area. In addition, as discussed in the section found immediately below, the project is consistent with Chapter 4.5 of Division 21. Proposition 40 also requires the Conservancy to give priority to grant projects with matching funds. (Public Resources Code Section 5096.651). The bulk of the overall project is supported by matching funds.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project is undertaken pursuant to Chapter 4.5 of the Conservancy's enabling legislation, Public Resources Code Sections 31160-31164, to address resource goals in the San Francisco Bay Area. In particular, the Conservancy may award grants to protect, restore, and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional significance (§31162(b)); improve public access to and around ridgetops, and urban open spaces (§31162(a)) and promote, assist, and enhance projects that provide open space and natural areas that are accessible to urban populations for recreational and educational purposes (§31162(d)). This project will protect riparian, woodland, native grassland and aquatic habitats, endangered plant species, and the wildlife corridor found on the Bear Mountain property. The watershed protected on Bear Mountain is equal to 1/3 of the watershed that encompasses the entirety of the four creeks that traverse the property. This acquisition will also protect the scenic backdrop to the City of Santa Rosa and scenic vistas seen from many vantage points on the property. This project will make a significant contribution to the county's natural open spaces and recreational opportunities easily accessible to residents and workers of Santa Rosa.

This project is appropriate for prioritization under the selection criteria set forth in Public Resources Code §§ 31162(a) and 31163(c) in the following ways:

- Public access to the property can be achieved without having an adverse impact on agricultural operations and environmentally sensitive areas as existing roads provide access to the property and the property is not currently being used for agricultural purposes.
- Acquisition is consistent with the District's Acquisition Plan 2000 and this will help achieve, among other things, the goals related to preserving sites with dominant viewsheds and geographic features bordering each of the cities, and to giving priority to recreational projects in proximity to urban areas. This project is also consistent with the Open Space and Resource Conservation Elements of the 1989 Sonoma County General Plan, and with the Open Space and Conservation Element of the City of Santa Rosa General Plan.
- The Bear Mountain property proposed for acquisition can serve a regional constituency due to its proximity to the highways 101 and 12 travel corridors. Further, it is anticipated that the project will serve as a future link to nearby State and Regional parks. The property can provide recreational opportunities to both the urban population of Santa Rosa and visitors from the San Francisco Bay region.
- The completion of the acquisition can occur in a timely manner since a preliminary agreement with the landowner has already been achieved.
- The property as been approved for development, as discussed above, and will likely be lost if not immediately acquired for open space/wildlife preservation.
- The proposal includes matching funds from the District at a ratio of 8 to 1 of Conservancy funds.

**CONSISTENCY WITH CONSERVANCY'S
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 10, Objective A**, the proposed project will result in the acquisition and eventual restoration of 960 contiguous acres of upland habitat identified as a priority for acquisition in Sonoma County under an agreement with sellers willing to put the property into conservation. Consistent with this goal, the project leverages \$1 million of Conservancy funding for an approximately \$9 million acquisition.

Consistent with **Goal 10, Objective B**, the \$200,000 portion of the grant will allow the proposed project to develop a management plan identifying restoration opportunities for enhancement of riparian and upland habitats.

Consistent with **Goal 11, Objective A**, the proposed project will result in a significant increase in land that will be accessible to the public for recreational purposes.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** This project is strongly supported by private citizens, non-profit organizations, the State Department of Fish and Game, and state representatives. Over 200 private citizens signed a petition asking the District to pursue this project in order to protect Bear Mountain's natural resources. Additionally, several private citizens wrote the Conservancy compelling letters of support. This project is also supported by a wide array of nonprofit organizations including the Madrone Audubon Society, Friends of Mark West Watershed, LandPaths, the Mountain Lion Foundation, The Nature Conservancy and the California Native Plant Society. Assemblyperson Patricia Wiggins also strongly supports the acquisition of Bear Mountain. Letters from all these supporters, including the first page of the petition to the District, are shown in Exhibit 5, Letters of Support.
4. **Location:** The Bear Mountain property is located wholly within Sonoma County and thus is within the jurisdiction of the San Francisco Bay Area Conservancy Program. This acquisition is next to the City of Santa Rosa and accessible by existing roads. Once acquired the property will provide recreational opportunities to the urban population of Santa Rosa as well as to visitors from the San Francisco Bay region.
5. **Need:** The opportunity to secure Bear Mountain could be lost without Conservancy support. The District has committed all the funds it can at this time to complete this acquisition while recently completing and planning for other important acquisitions. The District considers this property to be one of the most significant remaining undeveloped lands adjacent to urban areas in Sonoma County.
6. **Greater-than-local interest:** This acquisition will provide recreational opportunities to serve both local residents from Santa Rosa as well as residents from multiple jurisdictions in Sonoma County and visitors from throughout the Bay area. No less significant to the region and state is the protection to endangered species and natural habitats that will result from this acquisition and subsequent creation of a management plan.

Additional Criteria

7. **Urgency:** Without this acquisition the owners are well positioned to immediately develop the property since the recordation of the final subdivision map has been achieved. This proposed acquisition is likely the only chance to preserve this open space for future generations.
8. **Resolution of more than one issue:** Acquisition of the Bear Mountain property will add 960 acres to regional public recreational areas, will prevent development, secure important

endangered species and other rare habitat, will serve underserved low-income populations of Santa Rosa, and will protect viewsheds for the surrounding urban area and transportation corridors.

9. **Leverage:** See the “Project Financing” section above.
10. **Innovation:** This acquisition will present an opportunity to the District to continue to implement its innovative partnership with the local non-profit, LandPaths, by taking proactive steps to provide interpretive, public access for low-income, disabled and ethnic populations on protected properties such as Bear Mountain.
11. **Readiness:** A preliminary agreement with the landowner has already been negotiated. Close of escrow is scheduled for early 2005. The District also has experience with developing management plans for properties it intends to hold for an interim period such as this one.
12. **Realization of prior Conservancy goals:** See “Project History” above.
13. **Return to Conservancy:** See the “Project Financing” section above.
14. **Cooperation:** The owners of Bear Mountain property are willing sellers.

COMPLIANCE WITH CEQA:

As a transfer of ownership of interest in land to preserve open space and habitat, including acquisition for the preservation and restoration of natural conditions, the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) under 14 Cal. Code of Regulations Section 15325. The project is also exempt under §15317, which provides a categorical exemption for the acquisition of lands in order to maintain the open space character of the area.

Planning to identify restoration and recreational opportunities for Bear Mountain is statutorily exempt from the CEQA under 14 Cal. Code of Regulations Section 15262 in that it involves only planning studies for possible future actions which have not been approved, adopted, or funded.

Upon approval, staff will file a Notice of Exemption for this project.